

REMARKS/ARGUMENTS

Prior to this Amendment, claims 1-22 were pending in the application. Independent claim 7 is amended to include the limitations of dependent claim 9, which is canceled, as remote management over installation is not shown by the cited art which use host or client based installation. Independent claim 14 is amended to include the limitations of dependent claim 15, which is canceled, to distinguish claim 14 over the cited art which fail to teach using an installation Daemon to modify installed agent software to enhance operation. Independent claim 18 is amended to include the limitations of dependent claim 21, which is canceled, so the system of claim 18 includes a remote service for monitoring operations of a computer system "via execution of the installed systems management software on the managed host." This feature is not shown in the cited art.

New claim 23 is added to protect a method similar to the method of claim 1 that further calls for the environment information to include "thresholds based on configuration of the host device" and using the installation tool to "automatically configure the installed software payload based on the computing environment information including the thresholds." The cited art does not teach collecting thresholds or configuring installed software, let alone configuring based on such thresholds. Dependent claim 24 calls for the thresholds to be calculated by the survey tool, and the cited art fails to teach such a calculation step. New claim 25 is similar to the methods of claims 1 and 23 but calls for a survey tool operating to determine commands to be run at installation of a software payload and running such installation commands during installation by an installation tool. These elements of claim 25 are not shown by the cited art.

No new matter is added by this Amendment with support for claims 23 and 25 being found at least in originally filed claims 1 and 2 and support for dependent claim 24 being found page 15, line 10 of Applicant's specification. Claims 1-8, 10-14, 16-20, and 22-25 remain for consideration by the Examiner.

Rejections Under 35 U.S.C. § 103

In the Office Action, claims 1-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,752,042 ("Cole") in view of U.S. Patent No. 6,434,532 ("Goldband"). The rejection of claims 1-22 is respectfully traversed based on the amendments to the claims and the following remarks.

Generally, the invention is directed to a method and system for remote installation of software management platforms that addresses the problems discussed in the Background of Applicant's specification. More particularly, as described in the paragraph beginning on line 29 of page 2, existing techniques are typically based on manual collection of information on the networked system, and then "the software is installed and initially configured manually by a team of onsite IT personnel." Then, the "software is executed and further configured as a part of an iterative process attempting to remove bugs and glitches and to force the installed software to better suit the unique environment of the customer." The features that allow the invention to improve the installation and configuration (and, in some cases, post configuration) procedures for software management platform or software payloads are included in the pending independent claims as discussed below.

Claim 1 is directed to a method for installing systems management software on a host device. The method calls for "loading an installation tool configured to automatically install the systems management software on the host device." Then, the method includes "first operating the installation tool to automatically install the software payload on the host device" and "second operating the installation tool to automatically configure the installed software payload based on the computing environment information." Because each of these features is not shown in the combined teaching of Cole and Goldband, claim 1 is allowable over these references.

More particularly, a significant difficulty with existing techniques of providing software payloads on host devices is the need to manually configure the software after it is installed to allow it to properly operate in the particular operating environment of

the host device. This is not required with the method of claim 1 which involves “configuring” automatically “based on the computing environment information.” Cole does not teach configuring installed software. The Office Action states that “newly installed software must be configured properly in order to work.” Applicant agrees that configuration is often required when a large new software package is installed and the need for “manual” configuration is discussed above with reference to Applicant’s Background. However, there is nothing in Cole that indicates that configuration after installation is required for the new versions of code that it installs or that if configuration is required that the configuration is not manual.

Turning to Cole, the service application is described in col. 6, lines 46-55 as being responsible for installing “the code updates” in the client 14. The service application “replaces the stale file with the updated file” and then, the “client is request to re-boot, and the operating system installs the listed code updates during the re-boot.” There is no teaching that the service application second operates to configure the installed code updates. Cole further fails to teach that such configuring of the installed software payload is “based on the computing environment information” previously collected. It should be noted that Cole is directed toward identifying updated versions of already running software or updated or new versions of portions of software packages and not a new package of software (see claim 23 where this “new” feature is specifically claimed), and it is likely that the replacement versions are written to run properly in most systems in which the prior version ran (or manual configuration steps are typically provided or additional code provided).

Further, claim 1 calls for installation to be performed “automatically” by operation of the installation tool. In contrast, Cole teaches at least at col. 6, line 23, that the a list of potential code updates are presented to the user of the client 14, 15, 16 and then the client must make a selection. Hence, the skill of the operator comes into play in the effectiveness of the updating procedure as they client needs to select or

approve proper code for installation. For at least these two reasons, claim 1 is allowable over Cole.

Goldband fails to overcome the deficiencies of Cole, and claim 1 is believed allowable over the combination of Cole and Goldband. Specifically, Goldband is only cited for the concept of loading an installation agent or module onto a client from a remote location. However, Goldband does not teach operating such an installation agent to configure the software after installation based on the previously collected computing environment information for the client or host.

Claims 2-6 depend from claim 1 and are believed allowable at least for the reasons for allowing claim 1. Additionally, claim 2 calls for the computing environment to include "identification of modules for monitoring the host device." Cole and Goldband are not directed toward installing monitoring software and hence, fail to provide any teaching toward gathering such information about a host device (e.g., Cole simply states that it collects "basic system information using scout APIs" that comprises "system model, pre-load software level, BIOS level, and information that is not likely to change often such as type of operating system"). Claim 6 calls for the installation station to perform "selecting the software payload from the differing ones based on the received computing environment information." Cole teaches that a list of potential code updates is created based on the operation of recognizer programs 42 (see col. 5 13-41 with reference to Figure 4), and then, the client must select the "payload" from this list and "In response, the server 12 sends to the client 14 the FTP addressing information for the selected code updates" (see, col. 6, lines 23-30). The client performs the selecting of the payload from a narrowed list provided the selection server 12 but the selection server does not create and deliver the payload without operator intervention. For these additional reasons, claims 2 and 6 are allowable over Cole and Goldband.

Newly added independent claims 23 and 25 are similar to claim 1, and the remarks provided with reference to claim 1 are believed equally applicable to claims

23 and 25. Further, claims 23 calls for the environment information to include “thresholds” and the configuring to be performed based on such thresholds. Cole and Goldband do not teach gathering threshold information or using it to configure installed software. Claim 25 calls for a survey tool to determine commands to run during installation of the software payload, which is clearly beyond the “basic” information collected in Cole. These commands are then run during installation by the installation tool. For these additional reasons, claims 23 and 25 are believed allowable over the combination of Cole and Goldband.

Independent claim 7 is directed to a method with some limitations similar to claim 1, and the reasons for allowing claim 1 apply to claim 7. Additionally, claim 7 includes limitations that make it clear the method is directed toward remotely managing the installation of the software payload from an installation station. Cole, in contrast, teaches that installation is performed solely by the download routine and service application in the client 14 (see Figure 1 and corresponding text), and this deficiency is not overcome by the teaching of Goldband. Hence, in “contrast to prior art installation methods, the method is not host-based” (see, Applicant’s specification at lines 19-20 of page 5). Specifically, claim 7 calls for “in response to receiving the installation requests, establishing with the installation station a first active installation session and a second active installation session” and then “the transferring and installing of the payloads is remotely managed with the first and second active installation sessions at the installation station.” Cole teaches that the client must send a selection to a server, the server provides addresses for the selected code updates, and then the download routine on the client acts to download the code updates from the content server, and this is different than providing control by a single remote installation station over transmitting and installing. Hence, claim 7 is allowable over Cole and Goldband.

Claims 8 and 10-13 depend from claim 7 and are believed allowable as depending from an allowable base claim. Further, claim 12 calls for “allocating

network addresses to network devices associated with the first and second ones.” The Office Action takes Official Notice for this feature but Applicant objects as Applicant does not believe the feature claimed in claims 12 and more specifically in claim 13 is taught by “a user’s IP address is assigned every time a user connects” based on SLIP protocol. Instead, Applicant explains from line 14, page 20 to line 2, page 22 that it was not common knowledge at the time the application was filed for those in the related arts to allocate network addresses to network devices at the time of installation of system monitoring software and certainly not to forecast the number of needed addresses as called for in claim 13. Therefore, Applicant requests that the Examiner provide a specific reference teaching the limitations of claims 12 and 13. For these additional reasons, claims 12 and 13 are allowable over Cole and Goldband in view of the objected to Official Notice.

Independent claim 14 is directed to a method with limitations similar to claim 1 but further calling for “performing modifications of the installed agent software based on the output file to enhance operation of the installed agent software.” With reference to now canceled claim 15, the Office Action cites Goldband at col. 2, line 15-17. At this citation, Goldband merely discusses installing an upgrade or bug fix and does not discuss modifying installed software without installing additional software or code based on environment information to “enhance operation.” Cole is cited at col. 3, lines 14-39, but Cole describes a client selecting and downloading updates, which is different than the claimed modifying of the installed agent software based on the output file to enhance operation of the already installed agent software. For these additional reasons, claim 14 is not made obvious by the teaching of Cole in view of Goldband. Claims 16-17 depend from claim 14 and are believed allowable as depending from an allowable base claim. Additionally, see the reasons for allowing claim 2.

Independent claim 18 is directed to a network system adapted for monitoring an operating computer system. Monitoring is achieved with “a remote service” that

operates to monitor operations of the computer system "via execution of the installed systems management software on the managed host." Cole and Goldband fail to teach transmitting a payload including systems management software to a host and then using such software to monitor the device with a remote service. Cole provides a method for installing code updates, and Goldband teaches using an installed agent to determine when updates and the like are required in a client device. Neither discusses a remote service monitoring the client device via an installed management software package. Hence, claim 18 is not taught or even suggested by the combination of Cole and Goldband. Claims 19, 20, and 22 depend from claim 18 and are believed allowable as depending from an allowable base claim.

Conclusions

The additional references cited in the Office Action but not relied upon have been reviewed but are believed no more relevant than Cole or Goldband. The pending claims are believed allowable in light of these additional references.

A check is provided for the fee associated with adding two additional independent claims. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Kent Lembke, Reg. No. 44,866
Hogan & Hartson LLP
One Tabor Center
1200 17th Street, Suite 1500
Denver, Colorado 80202
Telephone: (720) 406-5378
Fax: (720) 406-5301